

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In Re: Jodi L. Peister, M.D.

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Docket Nos. MPS 68-1000
MPS 12-0201

STIPULATION AND CONSENT ORDER

COME NOW Respondent Jodi L. Peister, M.D., and the State of Vermont, by and through Attorney General William H. Sorrell and undersigned counsel, Assistant Attorney General James S. Arisman, and agree and stipulate as follows:

1. Jodi L. Peister, M.D. (Respondent) presently holds Vermont Medical License Number 042-0009331, issued on July 3, 1996. Respondent formerly practiced in the State of Vermont in the field of psychiatry, identifying herself as a provider of "holistic" psychiatry. Respondent by Stipulation and Consent Order, approved by the Vermont Board of Medical Practice, agreed to summary suspension of her license to practice medicine in the State of Vermont. The Board's order of suspension was entered and effective on January 12, 2001. Respondent's Vermont medical license remains suspended.

2. Jurisdiction in this matter vests with the Vermont Board of Medical Practice pursuant to 26 V.S.A. §§ 1353, 1354, 1365, 1366 & 1398 and 3 V.S.A. § 814(c).

I. Background.

3. The Vermont Board of Medical Practice opened Docket Number MPS 68-1000 for investigation on October 10, 2000 following receipt of a complaint from a patient (hereinafter referred to as "Patient A") to whom Respondent Peister previously had provided psychiatric care for a period of approximately two and one-half years. The complaint filed by

Patient A alleged, inter alia, that Respondent Peister: (1) had engaged in a pattern of recurring and serious violations of professional boundaries while caring for the patient; and (2) failed to provide treatment as needed by Patient A, while the patient was in Respondent's care. The patient's allegations were specifically articulated and detailed.

4. Respondent in January, 2001 answered in writing to the allegations of Patient A and provided copies of some, but not all, of Patient A's treatment records. Respondent, with advice of counsel, also voluntarily met with the Board's investigator and the undersigned Assistant Attorney General regarding the substance of the complaint.

A. Admissions by Respondent.

5. Respondent Peister orally and in writing admitted that many violations of professional boundaries occurred during her care of Patient A. Respondent admitted that such violations of professional boundaries by her were improper, contrary to her training as a psychiatrist, and inconsistent with the required standard of patient care.

6. Respondent expressly admitted that in the course of and as part of her treatment of Patient A, she entered into a close personal friendship and relationship with the patient, frequently socialized with Patient A at Respondent's home and elsewhere, and conducted frequent and lengthy social and personal telephone conversations with Patient A. Respondent admitted that she knew or should have known that her close personal friendship and relationship with Patient A was in violation of required professional boundaries.

7. Respondent also admitted that during the course of her treatment of Patient A she discussed many aspects of her own personal life, in substantial and intimate detail, with Patient A, including discussion of Respondent's marital relationship and problems, Respondent's conflicts with her own family members, and Respondent's financial difficulties and debts. Respondent also admitted to having socialized with other patients at her home.

Respondent also admitted to having discussed with Patient A other patients and their personal problems, including verbally disclosing information regarding her "contracts" with patients and disclosing information in specific terms regarding Respondent's claimed "successes" and "breakthroughs" in treating other patients. In sum, Respondent admitted to failing to provide Patient A with appropriate and professionally competent psychiatric treatment.

B. Summary Suspension of Respondent's Medical License in 2001.

8. By order of the Board Respondent's Vermont license to practice medicine was summarily suspended with her consent, effective January 12, 2001. Respondent agreed to cease and desist from providing care to her former patients and from communicating with her former patients. A copy of the January 12, 2001 Stipulation and Consent Order is attached hereto as Exhibit A.¹

9. Subsequent to the above agreement, the Board of Medical Practice opened an additional case, Docket Number MPS 12-0201, for investigation on February 6, 2001, based on a report that Respondent had been present on that date at a local mental health center and had been in direct communication there with a former patient ("Patient B"). When confronted by treatment staff during her visit, Respondent allegedly stated that she was the "legal guardian" of Patient B. Investigation by the Board determined that the Chittenden Probate Court, in fact, had appointed Respondent as the guardian of her former patient. Respondent herself later admitted having been appointed limited guardian for her former patient and, specifically, meeting with and communicating with Patient B on February 6, 2001. It was and is the State's position that Respondent's communication with Patient B was in

1. On the basis of the order of summary suspension entered by the Vermont Board of Medical Practice, the New York State Department of Health, Board for Professional Medical Conduct, on March 8, 2001, entered an order prohibiting Respondent Peister from practicing medicine in that State pending further order of the Vermont Board of Medical Practice and the New York Board for Professional Medical Conduct.

direct violation of the terms of the January 12, 2001 Stipulation and Consent Order agreed to by Respondent. See Paragraph 8, above. The Board expressed its objection to such conduct and its objection to Respondent's role as a guardian for her former patient. Respondent subsequently withdrew from her guardianship of Patient B.

II. Basis for Disposition.

10. Respondent, as noted above, has admitted to committing numerous violations of professional boundaries during her treatment of Patient A and failing to provide appropriate and professionally competent treatment to her. Respondent recognizes and has admitted that such violations of the required standard of patient care, as set forth above, are serious and constitute unprofessional conduct on her part. Respondent agrees that the Board of Medical Practice may adopt and enter as its findings and/or conclusions the facts set forth in this paragraph and in Paragraphs 3 through 9, above. Moreover, Respondent does not contest that her communication with Patient B on February 6, 2001 reasonably could be construed to constitute non-compliance with the terms of the Stipulation and Consent Order summarily suspending her medical license in the State of Vermont.

11. Respondent recently has indicated that since January 12, 2001 she has undertaken efforts to rehabilitate herself, including entering therapy and working outside the medical profession. Recently, Respondent, with advice of counsel, personally reviewed and considered the possible allegations that might be brought against her in a hearing before the Board of Medical Practice. She has considered that the Board of Medical Practice could enter a detailed specification of charges against her and that the State could present extensive testimony and evidence as to these charges in a public hearing.

12. Respondent acknowledges that the facts set forth herein warrant disciplinary action by the Board of Medical Practice, including inter alia, possible entry of an order of

revocation as to her Vermont license to practice medicine, following public hearing. She agrees and understands that by executing this document she is waiving any right, at this time, to be served with formal charges, to challenge the jurisdiction and continuing jurisdiction of the Board in these matters, to be presented with the evidence against her, to cross-examine adverse witnesses, and to offer evidence of her own to contest any allegations by the State. 26 V.S.A. § 1356; 3 V.S.A. §§ 809, & 814.

13. Respondent does not currently practice medicine in the State of Vermont. She does not hold admitting privileges at any hospital in this State. Respondent has determined that she no longer has need for medical licensure in this State. Therefore, Respondent has determined with advice of counsel that it is now appropriate for her to enter into the terms and conditions of this Stipulation and Consent Order, as set forth below.

III. Surrender of Medical License.

14. Respondent acknowledges that she is voluntarily entering into this agreement with the Vermont Board of Medical Practice. Respondent agrees that at all times and in all communications and proceedings related to this complaint she has had the right to be represented by and advised by counsel, including the right to counsel in reviewing and considering this Stipulation and Consent Order. Respondent is fully satisfied with the counsel and representation that she has received.

15. Respondent wishes to cooperate with the Vermont Board of Medical Practice in resolving the matters now pending before the Board, i.e., Docket Nos. MPS 68-1000 and MPS 12-0201. In lieu of the filing of a specification of charges against her and disciplinary action, including revocation or other sanction of her license to practice medicine, Respondent

has determined that she shall voluntarily and forthwith SURRENDER to the Vermont Board of Medical Practice her license to practice medicine in the State of Vermont, upon approval of this agreement by the Board. Thereafter, her license to practice medicine in this State shall be wholly void and without effect. Respondent understands and agrees that such action of license surrender shall be final and irrevocable.

IV. Additional Terms and Conditions.

16. Respondent further agrees and warrants that hereafter she shall not practice as a psychiatrist, therapist, or licensed counselor, regardless of location or the passage of time. Respondent further voluntarily agrees that at no time hereafter shall she seek licensure, reinstatement, or relicensure as a physician in the State of Vermont, regardless of circumstances or the passage of time. Respondent expressly agrees that the Board may and shall return to her without action or obligation of due process of any kind any application, motion, or petition from her for licensure, reinstatement, or relicensure. Finally, Respondent voluntarily waives any right to confidentiality that she may possess as to the Board's investigative file in this matter should she apply for professional licensure or privileges in another jurisdiction at a later date.

17. The Vermont Board of Medical Practice agrees that upon Respondent's execution of this Stipulation and Consent Order and pursuant to its terms, the matters involving her that are currently open before the Board, i.e., Docket Nos. MPS 68-1000 and MPS 12-0201, shall be administratively closed by the Board. Thereafter, the Board will take no further action on these matters, absent non-compliance with the terms and conditions of this document by Respondent or the receipt of new information or evidence that may warrant further action by the Board. 26 V.S.A. §§ 1355, 1361, 1398.

18. This Stipulation and Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. If the Board rejects any part of this document, the entire agreement shall be considered void. Respondent acknowledges and understands that this Stipulation and Consent Order is a matter of public record, will become part of her permanent Board file, will constitute an enforceable legal agreement, and may be reported to other licensing authorities. In exchange for the actions by the Board, as set forth herein, including Paragraphs 15 through 17, Respondent expressly agrees to be bound by all terms and conditions of the Stipulation and Consent Order.

19. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board of Medical Practice, the Board may enter an order implementing the terms and conditions herein and accepting the final and irrevocable SURRENDER of the Vermont license to practice medicine of Respondent, Jodi L. Peister, M.D.

Dated at Montpelier, Vermont, this 4th day of November, 2002.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

by:

James S. Arisman
JAMES S. ARISMAN
Assistant Attorney General

Dated at Nyack, NY, this 4th day of November, 2002.

Jodi L. Peister
JODI L. PEISTER, M.D.
Respondent

Dated at MONTPELIER, VT, this 4th day of November 2002.

Peter B. Joslin
PETER B. JOSLIN, ESQ.
Counsel for Respondent

FOREGOING, AS TO JODI L. PEISTER, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

John E. Magowan
Deurs C. Blower

Elmer A. Tamm M.D., JD

Margaret Belmont

Robert J. Brown
Steph L. Carby

Margaret Frank Marten

Jeffrey S. Salovey

DATED: 11/6/02

ENTERED AND EFFECTIVE: November 6, 2002

JODI L. PEISTER, M.D. Stipulation and Consent Order, Subject to Approval by the Vermont Board of Medical Practice, 11/02 (REV)

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609